

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 645 OF 2007

IN

CRIMINAL APPEAL NO. 531 OF 2007

IN

SESSIONS CASE NO. 1439 OF 1999

SANTOSH GOPAL TEMKAR & ORS. . .APPLICANTS

V/S

STATE OF MAHARASHTRA . .RESPONDENT

MR. A.K. SINGH, ADVOCATE FOR APPLICANTS.

MRS. V.R. BHOSALE APP FOR STATE.

CORAM: J.H. BHATIA, J.

DATE : 18TH JUNE, 2007.

P.C.

1. Heard Mr. A.K. Jain, learned counsel for the Applicants and Mrs. V.R. Bhosale, learned APP.

2. The Applicants seek to be released on bail pending the Appeal against conviction and sentence under section 392, 397 r/w 34 of IPC. For the offence under section 392 of IPC they were sentenced to undergo R.I. for 7 years and to pay fine of Rs. 1000/- each. For the offence punishable under

section 397 of IPC separate sentence of R.I. for 7 years was passed. According to the learned counsel for the Applicants they were on bail during the trial and they have not misused the bail. Therefore they deserve to be granted bail pending the Appeal. The application is opposed by Mrs. Bhosale APP.

3. The record reveals that these 3 accused and absconding accused No. 4 went to the clinic of P.W. 1 Dr. Mrs. Jigna Bhandari, who is the dentist. One of the accused went to her as patient and thereafter overpowered her and at that time one of them on the point of knife robbed her of earrings, gold finger - ring having diamond and diamond Mangalsutra and amount of Rs. 5700/-. The present three accused handed over the robbed property to accused No. 4, who is the relative of Dr. Mrs. Bhandari. Later on that person disposed of that property and the police recovered the same on the basis of the information given by him. The present applicants got the share in the said proceeds of the property. All the accused persons were granted bail during trial. However the accused No. 4 absconded and could not be put to trial. Taking into consideration the evidence on record I find that it is not a fit case to grant bail and therefore the

application is liable to be rejected.

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4. The application stands rejected.

(J.H. BHATIA, J.)